

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

Eolas Technologies Incorporated and
The Regents Of The University Of California,

Plaintiffs and Counterdefendants,

VS.

Adobe Systems Inc.; Amazon.com, Inc.; CDW Corp.; Citigroup Inc.; The Go Daddy Group, Inc.; Google Inc.; J.C. Penney Corporation, Inc.; Staples, Inc.; Yahoo! Inc.; and YouTube, LLC,

Defendants and Counterclaimants.

Civil Action No. 6:09-CV-446-LED

JURY TRIAL DEMANDED

**DECLARATION OF SCOTT WALKER IN SUPPORT OF OPPOSITION TO
PLAINTIFFS' EMERGENCY MOTION TO STRIKE DEFENDANTS' LATE-
PRODUCED DOCUMENTS, VIDEO DEMONSTRATIVES, SOURCE CODE AND
PREVIOUSLY UNIDENTIFIED PRIOR ART [DKT. 1317]**

I, Scott Walker, hereby declare:

1. I am an e-discovery technician at Yahoo! Inc., and my role is to assist the Yahoo! legal team with information technology issues and the acquisition of data. I submit this declaration based on personal knowledge following a reasonable investigation. If called upon as a witness, I could competently testify to the truth of each statement herein.

2. Despite the risks that transport presents to the old and very sensitive SPARCstation Model 10 systems, Yahoo! transported two machines to an office in Tyler, Texas, for inspection by Plaintiffs.

3. The bases and drives for these machines arrived in Tyler the morning of Wednesday, February 1, but monitors did not arrive until afternoon due to a shipping error.

4. Apparently due to damage that occurred during the shipping process, both the machines indicated errors at boot time due to failures in the Non-Volatile Random Access Memory (NVRAM).

5. Yahoo! personnel and counsel worked diligently but unsuccessfully to get the machines running. That evening we reached out to obtain replacement machines, contacting an individual from whom Yahoo! had previously purchased machines from the same era.

6. That contact provided the name of a new source, an individual located over an hour from Tyler in Mesquite, Texas, from whom Yahoo! arranged to obtain two additional SPARCstation Model 10 machines and replacement hard drives for delivery the next day.

7. Yahoo! also sent two backup, replacement hard drives with an additional copy of the code necessary to run certain demonstrations from which videos were made.

8. These replacement hard drives were carried by Yahoo! personnel traveling to Dallas, Texas, on Thursday, February 2, 2012.

9. On Thursday morning, a temporary solution to the boot problems was identified, which enabled the machines to start up successfully, access the local network, and communicate and operate as they previously had when located in Sunnyvale prior to the move to Tyler. At that point, Defendants notified Plaintiffs that the machines were available for inspection.

10. However, when Plaintiffs' representatives arrived, the hard drive on the "client" machine apparently failed, and the machine failed to reboot properly.

11. Defendants made numerous attempts to get the machines working, and Plaintiffs asked a number of questions regarding the configurations of those machines and the steps necessary to run the demonstrations illustrated in the demonstrative video.

12. Defendants committed to investigate Plaintiffs' requests and explained that they were taking steps to get the machines operating again, and would notify Plaintiffs as soon as Defendants were again able to provide systems for inspection.

13. Yahoo! arranged to transport the backup hard drives from Dallas that night and the two additional SPARCstations ordered on Wednesday arrived that night.

14. After performing testing enabled by the newly arrived machine, Defendants confirmed that one of the original hard drives had failed.

15. The backup hard drives were delivered at approximately 1:00 am on Friday, February 3, 2012.

16. Working through the night into Friday morning, and replacing internal hardware, including hard drives and apparently failing NVRAM, Defendants were able to build two working machines, "client" and "remote," in addition to the original "server" and restored network functionality among the machines.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed: February 6, 2012

/s/ Scott Walker (with permission ALP)
Scott Walker